

Remarks

The following amendments and remarks are provided in response to the non-Final Office Action mailed January 19, 2010. Claims 1, 22, 26, 49 and 63 are amended. All amendments are supported by the specification, claims and drawings as originally filed. No new matter is added. Claims 1, 5, 10, 13, 15, 22, 26, 27, 31, 34, 38, 39, 43, 44, 48-51, 57, and 61-63 remain pending. Reconsideration and allowance of the pending claims are requested for at least the following reasons.

Claim Rejections § 112

At section 2 of the Action, claims 1, 5, 10, 13, 15, 22, 26-27, 31, 34, 38-39, 43-44, 48-51, 57, and 61-63 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants traverse this rejection. However, independent claims 1 and 63 are amended to clarify the recited subject matter. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections § 103: Martin, Kargol, and Hazelton

At section 3 of the Action, claims 1, 5, 13, 15, 22, 26-27, 31, 34, 38-39, 43-44, 48, 57, and 61-63 are rejected under 35 U.S.C. § 103(a) as being obvious over US 5,972,463 to Martin et al. (hereinafter "Martin") in view of US 5,492,662 to Kargol et al. (hereinafter "Kargol") and further in view of US 4,804,577 to Hazelton et al. (hereinafter "Hazelton"). Applicants traverse this rejection and do not concede the correctness of any characterizations of the cited art. However, in an effort to advance the present Application to allowance, independent claims 1 and 63 are amended.

The rejection should be withdrawn because Martin, Kargol, and Hazelton fail to disclose or suggest (either alone or in combination) all of the elements of independent claims 1 and 63.

A. Claims 1, 5, 13, 15, 22, 26, 27, 31, 34, 38, 39, 43, 44, 48, 57, 61, and 62

Independent claim 1 recites, in part, each of said filaments is a single body made of a blend of two polymers including a polyolefin resin and one of either of vinyl acetate resin, ethylene vinyl acetate copolymer or styrene butadiene styrene.

As conceded at section 13 of the Office Action, neither Martin, Kargol, nor Hazelton discloses or suggests filaments formed from a blend of two polymers including a polyolefin resin and one of either of vinyl acetate resin, ethylene vinyl acetate copolymer or styrene butadiene styrene as required in claim 1. Reconsideration and allowance of claim 1, and claims 5, 13, 15, 22, 26, 27, 31, 34, 38, 39, 43, 44, 48, 57, 61, and 62 that depend either directly or indirectly from claim 1, is respectfully requested.

B. Claim 63

Independent claim 63 recites, in part, a mixture of individual hollow and individual solid filaments each being made of an essentially uniform blend of two polymers including polyolefin resin and one of either vinyl acetate resin, ethylene vinyl acetate copolymer or styrene butadiene styrene.

As noted above, neither Martin, Kargol, nor Hazelton discloses or suggests this recited subject matter. Reconsideration and allowance of claim 63 are respectfully requested.

Claim Rejections § 103: Martin, Kargol, Hazelton, and Insley

At section 5 of the of the Action, claims 10 and 49-51 are rejected under 35 U.S.C. 103(a) as being obvious over Martin, Kargol, and Hazelton (as applied above) and further in view of US 5,451,437 to Insley et al. (hereinafter "Insley"). Applicants traverse the rejection.

Claims 10 and 49-51 depend either directly or indirectly from claim 1. As discussed above, Martin, Kargol, and Hazelton fail to disclose or suggest each element recited in claim 1. Insley fails to provide the disclosure lacking in Martin, Kargol, and Hazelton. For example, Insley fails to disclose or suggest that each of said filaments is a single body made of a blend of two polymers including a polyolefin resin and one of either of vinyl acetate resin, ethylene vinyl acetate copolymer or styrene butadiene styrene as recited in claim 1. Accordingly, reconsideration and allowance of claim 10 and 49-51 are respectfully requested.

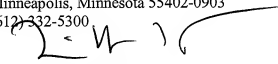
Conclusion

Favorable reconsideration is requested. Applicants do not otherwise concede the correctness of the Examiner's rejections and reserve the right to make additional arguments as may be necessary.

Please contact the undersigned with any questions regarding this application.

Respectfully submitted,
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